

novo review is not required by the statute “when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.” *Id.* Nonetheless, a district judge is responsible for the final determination and outcome of the case.

II. Discussion

First, Defendant has filed an objection to the magistrate judge’s recommendation that this matter be remanded to state court and denying her request for sanctions. However, the magistrate judge correctly held that this matter should be remanded to state court, as this Court lacks subject matter jurisdiction over Plaintiff’s state law claims, and diversity of citizenship is lacking. Moreover, the magistrate judge correctly found that Defendant’s requested sanctions are not warranted.

Next, Plaintiff objects to the magistrate judge’s recommendation that the Court deny Plaintiff’s motion for attorney fees and costs.¹ In his discretion, the magistrate judge determined that an award of attorney fees and costs was not warranted in this case, particularly since Defendant is proceeding *pro se*. The Court agrees. As the magistrate judge noted, at least some of the allegations pertained to Defendant’s request for leave under the FMLA, and, as a *pro se* party, she may have misread the complaint to allege a federal claim.

III. Conclusion

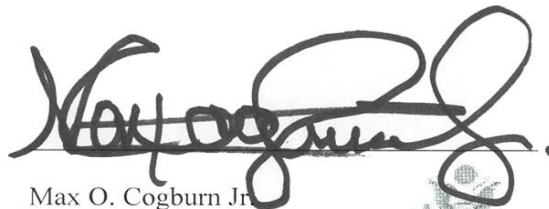
The Court determines that the recommendation of the magistrate judge is fully

¹ Plaintiff also points to a factual error in the memorandum and recommendation. The error is noted, but it does not affect the Court’s conclusion that the memorandum and recommendation should be affirmed.

consistent with and supported by current law. The Court will fully affirm the Memorandum and Recommendation and grant relief in accordance therewith.

ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation (Doc. No. 20) is **AFFIRMED**, Plaintiff's Motion to Remand (Doc. No. 9), is **GRANTED**, both parties' objections are overruled, and this action is **REMANDED** to state court. Furthermore, Defendant's pending motion to dismiss (Doc. No. 14), is **DENIED** as moot, given that this action is being remanded to state court.



Max O. Cogburn Jr.
United States District Judge

Signed: September 23, 2022